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MOTOROLA INC 600 NORTH US HIGHWAY 45 W4 - 39Q LIBERTYVILLE, IL 60048-5343			EXAMINER LEE, CHUN KUAN	
			ART UNIT 2181	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Office Action Summary**

Application No.

10/749,321

Applicant(s)

KOTZIN, MICHAEL D.

Examiner

Chun-Kuan (Mike) Lee

Art Unit

2181

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### RESPONSE TO ARGUMENTS

1. Applicant's arguments filed 11/16/2007 have been fully considered but they are not persuasive. Currently, claims 1-23 are pending for examination
2. In response to applicant's arguments, on page 7, last paragraph to page 8, 1<sup>st</sup> paragraph, regarding the independent claims 1, 15 and 23 rejected under 35 U.S.C. 103(a) that the examiner's reliance on Applicant's Admitted Prior Art (AAPA) is improper because the section the examiner is relying on for the rejection is identifying the deficiencies in the prior art and what may be possible and desirable should a manner in which to overcome those deficiencies be developed; applicant's arguments have fully been considered, but are not considered to be persuasive.

The examiner respectfully disagree, because the examiner is relying on an example of the prior art instances. To further clarify with regard to the examiner's reliance on AAPA for the rejection, wherein AAPA does teach the following:

receiving and transmitting user presence attribute information (e.g. presence information of subset of users) (Specification, p. 1, ll.10-24 and p. 2, ll. 5-7), wherein the presence information for subset of user is received and transmitted in the instant message system; and

an access condition (e.g. during business hours, on-line status) define the condition when the corresponding user presence attribute information (e.g. employee

location, presence information for subset of user) is available to the corresponding identified one or more users (e.g. employer, user) (Specification, p. 1, ll. 17-24 and p. 2, ll. 19-22), wherein the presence information for subset of users is available to a user under the on-line status condition is historically utilized by instant message system.

3. In responding to all applicant's arguments, the examiner will maintain his position and the current rejection of record.

#### **I. REJECTIONS BASED ON PRIOR ART**

##### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6-7, 10-11, 15-16 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raverdy et al. (US Patent 6,957,217) in view of Applicant's Admitted Prior Art (AAPA).

5. As per claims 1 and 15, Raverdy teaches a presence attribute information server and a manager application comprising:

a processor (CPU 512 of Fig. 5);

an interface unit (I/O interfaces 520 of Fig. 5), coupled to the processor, including a data input device for receiving data (e.g. user presence attribute information) and a network interface for transmitting data (e.g. user presence attribute information) (col. 8, ll. 43-50), wherein data are received and transmitted via downloading and uploading through a network (Fig. 1, ref. 130, 150);

a storage unit (server memory 516 of Fig. 5 and Fig. 6), coupled to the interface unit (Fig. 5, ref. 520) and the processor (Fig. 5, ref. 512), including user presence attribute information (user information 618 and access right manager 626 of Fig. 6) and associated access authorization information (e.g. information stored in and utilized by the login/configuration manager 620 of Fig. 6 for implementing a login procedure to initially connect the user device to the event server, therefore the corresponding user presence attribute information transferred during and after the login procedure must be associated with the access authorization information) organized and arranged as one or more entries in a data structure (Fig. 7 and col. 9, l. 26 to col. 10, l. 39);

wherein said access authorization entries are each associated with corresponding user presence attribute information entries (as the user device must initially login to be connected (Fig. 9, ref. 924), therefore the access authorization entries must each be associated with the corresponding user presence attribute information entries for the corresponding logged in user device), each user presence attribute information entry having a presence attribute value field, corresponding to one or more types of presence attributes (e.g. user profile, location information, access right) (col. 10, ll. 18-39), and

each access authorization information entry having a user field identifying one or more users (e.g. user data) and one or more access condition entries (e.g. access code) (col. 7, ll. 22-43 and col. 9, ll. 26-43), wherein the user device must be identified to implement the login properly, as the user data comprising user profile (Fig. 4, ref. 412), along with the correct access code is transferred to the event server during the login procedure.

Raverdy does not teach the presence attribute information server and the manager application comprising:

receiving and transmitting user presence attribute information; and

an access condition define the condition when the corresponding user presence attribute information is available to the corresponding identified one or more users.

AAPA teaches the presence attribute information server and the manager application comprising:

receiving and transmitting user presence attribute information (e.g. presence information of subset of users) (Specification, p. 1, ll.10-24 and p. 2, ll. 5-7), wherein the presence information for subset of user is received and transmitted in the instant message system; and

an access condition (e.g. during business hours, on-line status) define the condition when the corresponding user presence attribute information (e.g. employee location, presence information for subset of user) is available to the corresponding identified one or more users (e.g. employer, user) (Specification, p. 1, ll. 17-24 and p. 2,

II. 19-22), wherein the presence information for subset of users is available to a user under the on-line status condition is historically utilized by instant message system.

It would have been obvious for one of ordinary skill in this art, at the time of invention was made to include AAPA's user presence attribute information into Raverdy's system for the benefit of selectively providing information to a user device thus increasing security for accessing the information (Raverdy, col. 1, II. 56-64) to obtain the invention as specified in claims 1 and 15.

6. As per claim 6, Raverdy and AAPA teach all the limitation of claim 1 as discussed above, where both further teach the presence attribute information server comprising wherein at least one of the one or more access condition entries includes a proximity relative to a predetermined location (e.g. location profile) (AAPA, Specification, p. 1, II. 12-13 and Raverdy, col. 7, II. 22-43 and col. 9, II. 26-43).

7. As per claim 7, Raverdy and AAPA teach all the limitation of claim 6 as discussed above, where both further teach the presence attribute information server comprising wherein the predetermined location includes a specific place (e.g. location) (AAPA, Specification, p. 1, II. 12-13 and Raverdy, col. 7, II. 22-43 and col. 9, II. 26-43).

8. As per claim 10, Raverdy and AAPA teach all the limitation of claim 6 as discussed above, where Raverdy further teaches the presence attribute information server comprising wherein the location is relative to the at least one of item or person

(e.g. user device) associated with the user presence attribute information (Raverdy, col. 4, ll. 48-54, col. 7, ll. 22-43 and col. 9, ll. 26-43).

9. As per claim 11, Raverdy and AAPA teach all the limitation of claim 6 as discussed above, where Raverdy further teaches the presence attribute information server comprising wherein the location is relative to the user requesting (e.g. user utilizing the user device at a particular location) the user presence attribute information (Raverdy, col. 7, ll. 22-43 and col. 9, ll. 26-56).

10. As per claim 16, Raverdy and AAPA teach all the limitation of claim 15 as discussed above, where Raverdy further teaches the manager application comprising wherein said interface unit is further adapted for receiving access conditions (e.g. access code and other user data) associated with one or more users, which are used to formulate access authorization entries (Raverdy, col. 9, ll. 26-43).

11. As per claim 19, Raverdy and AAPA teach all the limitation of claim 15 as discussed above, where Raverdy further teaches the manager application further comprising a broadcast unit (e.g. wireless interface), coupled to the interface unit and the storage unit (Raverdy, col. 8, ll. 23-35), the broadcast unit being adapted to transmit updated user presence attribute information (e.g. time-stamped access information) to at least one of a presence attribute information server (Raverdy, Fig. 1, ref. 130, 122) and subscribed users (e.g. user device (Raverdy, Fig. 1, ref. 114) utilized by the user),



that are currently authorized to receive updates, when the user presence attribute information changes (Raverdy, Fig. 9, ref. 940 and col. 11, ll. 52-63), as the access right of the user device expires the updated information comprising the termination of the connection is transferred to the LAN then to the base station and finally to the user utilizing the user device.

12. As per claim 20, Raverdy and AAPA teach all the limitation of claim 19 as discussed above, where Raverdy further teaches the manager application comprising wherein the broadcast unit includes a set of prestored instructions for execution by the processor (Raverdy, col. 9, ll. 10-14).

13. As per claim 21, Raverdy and AAPA teach all the limitation of claim 19 as discussed above, where Raverdy further teaches the manager application comprising wherein the presence attribute information manager application is incorporated as part of a portable electronic device (Raverdy, col. 4, ll. 48-54).

14. As per claim 22, Raverdy and AAPA teach all the limitation of claim 21 as discussed above, where Raverdy further teaches the manager application comprising wherein the portable electronic device is a wireless radio frequency telephone (e.g. cellular telephone device) (Raverdy, col. 4, ll. 48-54).

15. Claims 2-5, 13-14 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raverdy et al. (US Patent 6,957,217) in view of AAPA as applied to claims 1 and 15, and further in view of Wade et al. (US Patent 5,552,776).

16. As per claim 2, Raverdy and AAPA teach all the limitations of claim 1 as discussed above, where, Raverdy further teaches the presence attribute information server comprising selectively providing information to the user device comprising access to various services and content information based on time-stamped access information (Raverdy, col. 11, ll. 6-63).

Raverdy and AAPA does not expressly teach the presence attribute information server comprising wherein at least one of the one or more access condition entries includes a predetermined period of time to be matched.

Wade teaches a security system and method for controlling access to computing device comprising matching of a predetermined period of time in order to gain access into the computing device (Fig. 3; col. 7, ll. 20-46 and col. 9, l. 35 to col. 10, l. 41).

It would have been obvious for one of ordinary skill in this art, at the time of invention was made to include Wade's matching of the predetermined period of time into Raverdy and AAPA's presence attribute information server for the benefit of providing an enhanced versatile and flexible security control over access of data in a computing device (Wade, col. 2, ll. 18-29) to obtain the invention as specified in claim 2.

17. As per claim 3, Raverdy, AAPA and Wade teach all the limitations of claim 2 as discussed above, where Wade further teaches the presence attribute information server comprising wherein the predetermined period of time includes a time of day (Wade, Fig. 3, col. 7, ll. 20-46 and col. 9, l. 35 to col. 10, l. 41).

18. As per claim 4, Raverdy, AAPA and Wade teach all the limitations of claim 2 as discussed above, where Wade further teaches the presence attribute information server comprising wherein the predetermined period of time includes a day of the week (Wade, Fig. 3, col. 7, ll. 20-46 and col. 9, l. 35 to col. 10, l. 41).

19. As per claim 5, Raverdy, AAPA and Wade teach all the limitations of claim 2 as discussed above, where Wade further teaches the presence attribute information server comprising wherein a predetermined period of time includes a point in time identifying the beginning of the predetermined period and a point in time identifying the end of the predetermined period (Wade, Fig. 3, col. 7, ll. 20-46 and col. 9, l. 35 to col. 10, l. 41).

20. As per claims 13-14 and 23, Raverdy and AAPA teach all the limitations of claims 1 as discussed above, where both further teach the presence attribute information server and a method for managing the access to presence attribute information comprising:

an access validation unit, coupled to the interface unit and the storage unit, the access validation unit being adapted for validating the received access code and other user data (Raverdy, col. 9, ll. 26-43);

determining whether the user requesting the information is authorized to have access to the requested user presence attribute information (Raverdy, Fig. 9, ref. 924, wherein the user must provide the correct access code and the corresponding user data in order to have access) including

receiving any conditions (status information) relative to the requesting user associated with receiving access to the information (Raverdy, col. 9, ll. 26-43), wherein the received condition comprising the access code and the user data including the user profile is associated with the at least one of item or person (e.g. user device), and

determining (comparing) whether the received conditions associated with receiving access have been met (Raverdy, Fig. 9, ref. 924), wherein the correct access code and user profile must be provided in order to complete the login procedure;

wherein, if the user has met the conditions associated with receiving access, then forwarding the user presence attribute information to the requesting user (AAPA, Specification, p. 2, ll. 19-22 and Raverdy, col. 6, ll. 62-65); and

wherein the access validation unit includes a set of prestored instructions for execution by the processor (Raverdy, col. 9, ll. 10-14).

Raverdy and AAPA does not expressly teach the presence attribute information server and the method for managing the access to presence attribute information comprising:

the access validation unit receiving a request for user presence attribute information; and

the status information comprising the current time and date.

Wade teaches a security system and method for controlling access to computing device comprising:

access validation unit for receiving request to access a computing device (col. 8, ll. 53-65 and col. 16, l. 58 to col. 17, l. 7);

matching of a predetermined period of time in order to gain access into the computing device (Fig. 3; col. 7, ll. 20-46 and col. 9, l. 35 to col. 10, l. 41); and

wherein the period of time include the time of date and date of week (Fig. 3; col. 7, ll. 20-46 and col. 9, l. 35 to col. 10, l. 41).

It would have been obvious for one of ordinary skill in this art, at the time of invention was made to include Wade's matching of the predetermined period of time into Raverdy and AAPA's presence attribute information server for the benefit of providing an enhanced versatile and flexible security control over access of data in a computing device (Wade, col. 2, ll. 18-29) to obtain the invention as specified in claims 13-14 and 23.

21. Claims 8-9 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raverdy et al. (US Patent 6,957,217) in view of AAPA as applied to claims 1 and 15, and further in view of Fushiki et al. (US Patent 6,433,704).

Raverdy and AAPA teaches all the limitations of claims 6 and 15 as discussed above, where Raverdy further teaches the presence attribute information server and the manager application comprising:

- a base station coupled to the user device (Raverdy, Fig. 1);
- the location profiles (Raverdy, col. 7, ll. 22-43 and col. 9 line 26-56); and
- wherein said interface unit further includes a data output device (Raverdy, display 518 of Fig. 5) for presenting information in an iconic format (Raverdy, Fig. 5)

Raverdy and AAPA does not expressly teach the presence attribute information server and the manager application comprising:

- wherein the predetermined location include the present place;
- wherein the proximity corresponds to a predetermined distance;
- presenting the condition associated with authorizing access in an iconic format;

and

the data input device is further adapted for modifying the conditions being presented by the data output device associated with authorizing access to user presence attribute information associated with one or more users.

Fushiki teaches a system and method comprising:

- a communication device comprising of a communication interface, memory and processor (Fig. 2; Fig. 8; Fig. 10 and col. 4, ll. 24-37);

a longitude and latitude information to represent the present position of the portable terminal (Fig. 4; Fig. 6; Fig. 9 and col. 7, ll. 4-47); and

a coverage area (e.g. predetermined distance) for the corresponding communication device (Fig. 7 and col. 6, ll. 33-64);

the display screen (i.e. data output device) presenting requested information in an iconic format through using graphic user interface (GUI) for data inputting (Fig. 12 and col. 9, ll. 4-44); and

the GUI is adapted to modify the requested information being presented by the display screen (Fig. 12 and col. 9, ll. 4-44).

It would have been obvious to one of ordinary skill in this art, at the time of invention was made to include Fushiki's longitude and latitude information, coverage area, presenting the requested information and the input device modifying the data presented by the output device into Raverdy and AAPA's the presence attribute information server and the manager application for the benefit of enabling accurate determination of the position of the user device globally to obtain the invention as specified in claims 8-9 and 17-18. The resulting combination of the references teaches the presence attribute information server and the manager application comprising:

wherein the predetermined location includes the longitude and latitude information;

wherein the proximity corresponds to the coverage area;

presenting the requested information in an iconic format, wherein the receiving of the requested information shows that the authorization access must be approved as user device is properly logged in; and

the GUI would modify the what is being presented by the display screen, wherein the request data would be displayed only of the user device is properly logged in, therefore the presented information would be associated with authorizing access to user presence attribute information associated with one or more users utilizing the user device.

22. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raverdy et al. (US Patent 6,957,217) in view of AAPA as applied to claim 1, and further in view of Kruse et al. (US Patent 6,684,279).

Raverdy and AAPA teaches all the limitations of claims 6 and 15 as discussed above, where both further teach the presence attribute information server comprising:

wherein the user information contains access conditions (e.g. user data of Fig. 4) for the associated user presence attribute information (AAPA, Specification, p. 2, ll. 19-22 and Raverdy, col. 9, ll. 26-56); and

determining whether the user device is authorized or precluded to access the associated user presence attribute information during the login procedure (AAPA, Specification, p. 2, ll. 19-22 and Raverdy, Fig. 9, ref. 924).

Raverdy and AAPA does not expressly teach the presence attribute information server comprising wherein access condition entries include a flag which, when an



access condition is met, identifies whether access to the associated presence information is authorized or precluded.

Kruse teaches a method and apparatus for controlling data transfer comprising setting a flag when a condition is met, which identifies whether the access to a bus is authorized or precluded (Fig. 11 and col. 22, ll. 30-43)

It would have been obvious to one of ordinary skill in this art, at the time of invention was made to include Kruse's flag into Raverdy and AAPA's access condition entries for the benefit of providing data access control without using another dedicated signal line (Kruse, col. 24, ll. 32-36) to obtain the invention as specified in claim 12.

## **II. CLOSING COMMENTS**

### **Conclusion**

#### **a. STATUS OF CLAIMS IN THE APPLICATION**

The following is a summary of the treatment and status of all claims in the application as recommended by **M.P.E.P. 707.07(i)**:

##### **a(1) CLAIMS REJECTED IN THE APPLICATION**

Per the instant office action, claims 1-23 have received a final action on the merits. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### **b. DIRECTION OF FUTURE CORRESPONDENCES**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun-Kuan (Mike) Lee whose telephone number is (571) 272-0671. The examiner can normally be reached on 8AM to 5PM.

**IMPORTANT NOTE**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on (571) 272-4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 30, 2007

Chun-Kuan (Mike) Lee  
Examiner  
Art Unit 2181



ALFORD KINDRED  
SUPERVISORY PATENT EXAMINER